

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION**

DANIEL E. WILKINS,)
Plaintiff,)
v.) Cause No. 3:23-CV-01114-PPS-APR
WILLIAM REDMAN,)
RUSSELL OLMSTEAD,)
KEVIN SMITH,)
MICHAEL PLATT,)
JOHN FOSTER and)
WELLPATH, LLC,)
Defendants.)

SECOND AMENDED COMPLAINT

Plaintiff, by counsel, alleges and states against Defendants as follows:

1. The Plaintiff is Daniel E. Wilkins was an inmate in the St. Joseph County Jail in South Bend Indiana at all material times to this Complaint.
2. Plaintiff incorporates herein all of the facts and allegations contained in his Prisoner Complaint (DE 1) filed on December 26, 2023, attached as Exhibit “A”.
3. Plaintiff incorporates herein all of the facts and allegations contained in his Amended Prisoner Complaint (DE 8) filed on January 29, 2024, attached as Exhibit “B”.
4. In addition to all facts and allegations set forth in his two previous Complaints (DE 1 and DE 8), Plaintiff alleges against Defendant Wellpath, LLC that it, along with its agents, Defendants Smith, Platt and Foster, failed to provide adequate medical care to the Plaintiff pertaining to his serious medical needs and that the medical care provided by Wellpath, LLC and its agents fell below constitutional standards and violated Plaintiff’s rights under the Eighth and Fourteenth Amendments of the United

States Constitution. Plaintiff contends that Wellpath, LLC and its agents, Defendants Smith, Platt and Foster, failed to provide constitutionally adequate medical care for Plaintiff while he was incarcerated in the St. Joseph County Jail.

5. Defendant Wellpath, LLC is a corporation authorized to do business in the State of Indiana, and is liable for the actions of its agents/employees under the doctrine of *respondeat superior*.
6. Defendants Kevin Smith, Michael Platt and John Foster are being sued in their individual capacities while acting as persons under color of law when they failed to provide constitutionally adequate medical care to the Plaintiff in violation of the Eighth and Fourteenth Amendments and 42 U.S.C. § 1983.
7. Plaintiff incorporates herein all of the facts and information contained in his two previous Complaints (DE 1 and DE 8).
8. As a result of the constitutionally inadequate medical care, Plaintiff suffered physical pain, mental anguish, emotional distress and other damages and injuries for which he seeks compensatory damages.
9. Defendants' conduct was intentional, knowing, willful, wanton, and in reckless disregard of Plaintiff's federally protected rights warranting an imposition of punitive damages.

WHEREFORE, Plaintiff respectfully requests judgment against each of the Defendants for compensatory damages, punitive damages (where available), reasonable attorney's fees and costs pursuant to 42 U.S.C. § 1988, and for all other relief the Court deems just and proper.

JURY DEMAND

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiffs demand a trial by jury in this action.

Respectfully submitted,

MYERS & WALLACE, LLP

/s/ Christopher C. Myers

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